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Q: Is it legal to adopt a smoke-free policy for my property?

A: Yes!

- Apartment owners and managers have the right to adopt a smoke-free policy for their buildings, common areas, units, and entire property, just as they are free to ban pets from a property. There are no federal or state laws which prohibit smoke-free apartments (NRS 118, 202, and 207).
- A smoke-free policy is NOT discriminatory. People who smoke are not protected by state or federal anti-discrimination laws, nor are they considered disabled under state or federal disability rights laws (Tobacco Control Legal Consortium, 2006). Furthermore, there is no constitutional or other legal right to smoke.
- As a matter of fact, the Americans with Disabilities Act and the Federal Fair Housing Act protect individuals with disabilities from Secondhand Smoke. Under these laws, individuals with disabilities are entitled to reasonable accommodations and/or modifications of policies, practices and procedures by their housing providers to ensure equal access to, and enjoyment of their housing (Fair Housing Act of 1988, U.S.C. Section 3601 *et seq.*). Therefore, if a tenant is disabled, and exposure to secondhand smoke is preventing the renter from using or enjoying the building, the law requires the owners and managers to make reasonable accommodations to mediate the situation.